

## **REMARKS**

Claims 1-44 are pending.

Claims 1-44 are rejected.

Claims 13 and 31 are objected to.

Claims 1, 14, and 26 have been amended. Claim 26 has been amended for clarity to add word “data” for proper antecedent basis purposes.

### **Claim Objections**

Claims 13 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten.

### **Claim Rejections - 35 U.S.C. § 101**

Claims 1-28 stand rejected under 35 U.S.C. § 101 as non-statutory.

Independent claims 1, 14, and 26 have been amended to recite “performing using the data processing system, wherein the data processing system includes a computer system:” and indenting subsequent elements. Accordingly, claims 1, 14, and 26 are explicitly tied to a particular machine, namely “the data processing system, wherein the data processing system includes a computer system.”

Accordingly, for at least the foregoing reasons, Applicants respectfully request withdrawal of the rejection of claims 1, 14, and 26 and claims dependent directly or indirectly thereon.

### **Claim Rejections - 35 U.S.C. § 102 (or 103)**

Claims 1-13, 14-30, and 32-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,754,938 to Herz et al. (hereinafter “*Herz*”). Applicant respectfully traverses the rejection. Note, the Office Action quotes from 35 U.S.C. § 102(b) but says that “claims 1-13, 14-30, and 32-44 are rejected under 35 U.S.C. § 103(a) as being anticipated by *Herz*”. (emphasis added). Since claims are “anticipated” under 35 U.S.C. § 102(b) and not under 35 U.S.C. § 103(a), it is unclear exactly under which section of Title 35 that the claims 1-13, 14-30, and 32-44 are rejected under. Nevertheless, Applicants arguments apply to a rejection under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a).

### **Response to the Examiner's *Response to Arguments***

Claim 1 requires “developing a set of master session profiles from a first set of users to determine product demand by a second set of users, wherein the master session profiles include product demand indicators” and “processing at least a subset of user session data from the second set of users to evaluate the user session data using the master session profiles.”

Thus, in claim 1, the “a set of master session profiles” are developed from “a first set of users” and “at least a subset of user session data from the second set of users” is processed to evaluate the “user session data” of the second set of users “using the master session profiles” from the “first set of users”.

The Examiner states in the Office Action, ¶2 that, “Applicants (sic) further supported their (sic) assertion by arguing that *Herz* fails to teach a master session profile.” The Examiner then identified *Herz* as teaching “creating a profile or, developing and using profile of the user.” *Id.*

Applicant respectfully submits that the Examiner has not fully characterized Applicant’s arguments. Applicant respectfully submits that Applicant has not simply argued that *Herz* does not generate profiles of users. *Herz* explicitly teaches that the “system for electronic identification of desirable objects of the present invention automatically constructs ... a “target profile interest summary” for each user, which target profile interest summary describes the user’s interest level in various types of target objects.” *Herz*, col. 5, lines 5-13.

However, Applicant respectfully submits that what is clearly missing from the teachings and suggestions of *Herz* is, *inter alia*, the use of a set of master session profiles developed from a first set of users to determine product demand by a second set of users. *Herz* teaches constructing a profile for a user and profiles for target objects. *Herz* specifically states that “the present invention automatically constructs a target profile for each target object ... and a “target profile interest summary” for each user.” *Herz*, col. 5, lines 6-7 and lines 9-10. *Herz* teaches that only the user’s own “target profile interest summary” is used to match the user with target objects. “Each user is presented with those target objects whose profiles most closely match the user’s interest as described by the user’s target profile interest summary.” *Id.*, lines 23-25. In

other words, a user's profile is matched against target object profiles to match the user with target objects that the user may be interested in. *Herz does not teach or suggest using a first user's profile to determine which target objects that a second user will be interested in.*

Thus, rather than the user's own profile alone being used to ascertain the user's interest in the object as taught by *Herz*, "product demand" in general is determined by "processing at least a subset of user session data from the second set of users to evaluate the user session data using the master session profiles" and determining product demand from evaluations of the "user session data from the second set of users ... using the master session profiles." Claim 1.

As subsequently discussed, similar reasoning applies to independent claims 14 and 26 and claims dependent directly or indirectly thereon.

### **Detailed Remarks**

Applicant respectfully submits that what is clearly missing from the teachings and suggestions of *Herz* is, *inter alia*, the use of a set of master session profiles developed from a first set of users to determine product demand by a second set of users.

*Herz* "relates to customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a "target profile" for each target object in the electronic media based, for example, on the frequency with which each word appears in an article relative to its overall frequency of use in all articles, as well as a "target profile interest summary" for each user, which target profile interest summary describes the user's interest level in various types of target objects." *Herz*, Abstract.

Applicants respectfully submit that *Herz* neither teaches nor suggests the present invention. *Herz* col. 6, line 32 - col. 7, line 43 describes determining a target profile for each target object and determining a target profile interest summary for each user. Comparing the target profile interest summary with the target profiles of the objects assists in matching a user with a target object. Thus, the user's own profile is used to ascertain the user's interest in the object.

In claim 1, a method includes “developing a set of master session profiles from a first set of users to determine **product demand** by a second set of users.” Thus, rather than the user’s own profile alone being used to ascertain the user’s interest in the object as taught by *Herz*, “product demand” in general is determined by “processing at least a subset of user session data from the second set of users to evaluate the user session data using the master session profiles” and determining product demand from evaluations of the “user session data from the second set of users … using the master session profiles.” The “master session profiles” are developed “from a first set of users”. Thus, *Herz* neither teaches nor suggests the present invention of claim 1.

For at least similar reasons, *Herz* neither teaches nor suggests:

**Claim 14:**

processing at least a subset of collected user session data to evaluate characteristics of the user session data against product demand characteristics derived from a set of master session profiles, wherein the master session profiles include product demand indicators and the master session profiles are developed from a first set of users and the collected user session data is from a second set of users.

**Claim 26:**

**collecting data** from multiple user sessions from a first set of users with a world wide web (“Web”) site, wherein the user sessions involve selecting a product marketed by the Web site and the collected data includes user navigation data related to selection of a product and Web page data as provided to each of the users in the first set of users;

developing a product demand **master profile set from the collected data**;

collecting a second set of user session data from a second set of users; and

matching the **second set of user session** with the master profile set to determine product demand.

**Claim 29:**

master session profile generation system to develop a set of master session profiles from a first set of users to determine product demand by a second set of users, wherein the master session profiles include product demand indicators; and a processing engine to process at least a subset of user session data from the second set of users to evaluate the user session data using the master session profiles and determine product demand from the evaluations.

**Claim 43:**

develop a set of master session profiles from a first set of users to determine product demand by a second set of users, wherein the master session profiles include product demand indicators;

process at least a subset of user session data from the second set of users to evaluate the user session data using the master session profiles; and

determine product demand from the evaluations.

**Claim 44:**

means for developing a set of master session profiles from a first set of users to determine product demand by a second set of users, wherein the master session profiles include product demand indicators;

means for processing at least a subset of user session data from the second set of users to evaluate the user session data using the master session profiles; and

means for determining product demand from the evaluations.

Thus, Applicant respectfully submits that what is clearly missing from the teachings and suggestions of *Herz* is, *inter alia*, the use of a set of master session profiles developed from a first set of users to determine product demand by a second set of users.

For at least the foregoing reasons, Applicants respectfully submit that *Herz* neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 and claims directly or indirectly dependent thereon.

Accordingly, Applicants respectfully request withdrawal of the rejection.

**Claims 11, 24, and 41.**

Additionally, since *Herz* neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 *Herz* cannot teach nor suggest the present invention of claims directly or indirectly dependent on claims 1, 14, 26, 29, 43, and 44, Applicants respectfully point out distinctions in claims 11, 24, and 41 that are neither taught nor suggested by *Herz*.

Claims 11, 24, and 41 recite that “the user session data includes data types associated with each users navigation of the network site during configuration of a product.” The Office Action states that *Herz* teaches or suggests claims 11, 24, and 41 in col. 7, lines 9-60. *Herz* teaches that:

Browsing provides an alternate method of selecting a small subset of a large number of target objects, such as articles. Articles are organized so that users can actively navigate among groups of articles by moving from one group to a larger, more general group, to a smaller, more specific group, or to a closely related group. Each individual article forms a one-member group of its own, so that the user can navigate to and from individual article s as well as larger groups. *Herz*, col. 7, lines 27-35.

Applicants respectfully submit that navigating between different sizes of groups of articles is not “configuration of a product” and, thus, *Herz* neither teaches nor suggests that “the user session data includes data types associated with each users navigation of the network site during configuration of a product” as required by claims 11, 24, and 41.

Although Applicants have specifically pointed out distinctions between the teachings and suggestions of *Herz* and claims 11, 24, and 41, Applicants do not admit that the individual features of the remaining dependent claims are taught or suggested by *Herz*.

## CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

### CERTIFICATE OF TRANSMISSION

I hereby certify that on December 22, 2010, this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

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Respectfully submitted,

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